

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
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Plaintiff,)
)
vs.) **Case No. 4:14CR152 RWS/NCC**
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GREG SLOAN, et al.,)
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)
Defendants.)

MEMORANDUM AND ORDER

Pending in these cases are Defendants' various unopposed motions requesting an extension of time within which to file pretrial motions: United States v. Rao, 4:14CR0150 JAR/TCM [Docs. 121, 124]; United States v. Sloan, 4:14:CR0152 RWS/NCC [Docs. 191, 194]; United States v. Palmer, 4:14CR0175 AGF/DDN [Doc. 107]; and United States v. Tabatt, 4:14CR0187 JAR/DDN [Doc. 69]. Previously, an order was entered in each of the four above-listed cases requiring that all pretrial motions be filed by November 17, 2014.

Because of the nature of the underlying charges and the number of named defendants, it was anticipated that discovery be extensive and scheduling be complicated. Consequently, four status conferences¹ with counsel have been held to address the difficulty in producing all discovery to all Defendants. Further, it has been ordered that a status conference shall continue to be held every three weeks, with the next conference now set for December 18, 2014.

¹These conferences occurred on August, 28, 2104; October 19, 2014; October 31, 2014; and November 20, 2104.

Also, as directed on December 1, the Government has provided the court in each case a ten-page detailed memorandum describing the contents of its discovery, including that already produced and material yet to be produced, and commenting on the disclosures of discovery to Defendants. (See Doc. 141 in United States v. Rao, Doc. 204 in United States v. Sloan, Doc. 113 in United States v. Palmer, and Doc. 75 in United States v. Tabatt.) In its memorandum, the Government reported that the discovery produced to defense counsel to date on CDs and Blu-Ray discs are in five batches and total more than 284,000 pages. A sixth batch has not yet been provided to defense counsel. That batch and batch number four contain personal information of various Defendants; the Government and defense counsel are discussing a mechanism that will permit disclosure of the personal material and also protect Defendants' privacy. In addition to the electronic discovery already produced and to be produced, the Government has advised defense counsel that there are approximately 120 boxes of seized material that are available for inspection. And, although the majority of discovery will be completed when batch number six is produced, the discovery process in these cases will be ongoing. Of significance, the Government is still awaiting lab analysis on the alleged product seized by law enforcement officers.

Given the volume of discovery produced and the uncertainty of when the discovery yet to be produced by the Government will be available and provided, a deadline for the filing of all pretrial motions cannot logically be set.

Accordingly, for the reasons set forth in the pending motions, the Court finds that to deny Defendants' request for such additional time would deny counsel for Defendants the reasonable time necessary for an effective investigation and preparation of pretrial motions, taking into account the exercise of due diligence, see 18 U.S.C. § 3161(h)(7)(B)(iv), and that

the ends of justice served by granting Defendants' requests for additional time outweigh the best interest of the public and Defendant in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A). Therefore, the time granted to Defendants to investigate and prepare pretrial motions, or a waiver thereof, is excluded from computation of Defendants' rights to a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A).

Accordingly,

IT IS HEREBY ORDERED that Defendants' motion to extend time to file pretrial motions is **GRANTED**. [Docs. 191, 194]

A new deadline for the filing of all pretrial motions shall be set following the next scheduled status conference.

/s/Noelle C. Collins
NOELLE C. COLLINS
UNITED STATES MAGISTRATE JUDGE

Dated this 17th day of December, 2014.